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10 Attorneys for Defendant
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11
12 Additional Counsel Appear on Signature Page

13
14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**

16 NICOLE MILLS,
17 individually and on behalf of all others
similarly situated,

18 Plaintiff,

19 v.

20 BRITISH AIRWAYS, PLC, AMR
CORP., AMERICAN AIRLINES, INC.,
21 UAL CORP., UNITED AIR LINES,
INC., VIRGIN ATLANTIC AIRWAYS
22 LTD., and JOHN DOES 1-100,

23 Defendants.

CASE NO. CV 06-05930-CRB

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND TIME TO
RESPOND TO COMPLAINT**

24 Pursuant to Local Rule 6-1, Plaintiff Nicole Mills and Defendants British
25 Airways Plc, AMR Corp., American Airlines, Inc., UAL Corp., United Air Lines,
26 Inc., and Virgin Atlantic Airways Ltd. respectfully request that this Court enter an
27 order extending the time in which Defendants must answer or otherwise respond to
28

1 this matter until the later of (1) the date when Defendants would otherwise be
2 required to file a response pursuant to Federal Rule of Civil Procedure 12, or (2) 45
3 days after the JPML rules on a motion pending in *In re International Air*
4 *Transportation Surcharge Antitrust Litigation* (MDL No. 1793) and a consolidated
5 complaint is filed by all Plaintiffs in the single transferee Court and served on
6 Defendants. Plaintiff Nicole Mills has consented to the requested extension. In
7 support of this stipulation, the parties state:

8 1. The Complaint in this matter was filed on September 25, 2006. It seeks
9 relief under the Sherman Act and the Clayton Act against six named defendants on
10 behalf of a putative class.

11 2. Nearly 95 similar actions have been filed in various jurisdictions around
12 the country.

13 3. There is a motion pending before the Judicial Panel on Multidistrict
14 Litigation ("JPML") to consolidate and transfer actions like this one to a single
15 venue. The JPML considered the motion to consolidate in a matter captioned *In re*
16 *Passenger Air Transportation Surcharge Antitrust Litigation*, MDL No. 1793, at its
17 September 28, 2006 hearing.

18 4. The parties have agreed that this stipulation does not constitute a waiver
19 of any defenses, including but not limited to, the defenses of lack of personal
20 jurisdiction, lack of subject matter jurisdiction, or improper venue. The Defendants
21 expressly reserve their right to raise all defenses in response to either the current
22 complaint or any consolidated amended complaint that may subsequently be filed
23 relating to this action.

24 THEREFORE, the parties request that this Court order that the time in which
25 Defendants must answer or otherwise respond to this matter is the later of (1) the
26 date when Defendants would otherwise be required to file a response pursuant to
27 Federal Rule of Civil Procedure 12, or (2) 45 days after the JPML rules on a motion
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1 pending in *In re Passenger Air Transportation Surcharge Antitrust Litigation* (MDL
2 No. 1793), and a consolidated complaint is filed by Plaintiffs in the single transferee
3 Court and served on Defendants.

4 Respectfully submitted,

6 Dated: October 13, 2006

FURTH LEHMANN & GRANT, LLP

8 /s/

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15 Dated: October 13, 2006

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Dated: October 13, 2006

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Dated: October 13, 2006

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Dated: October 13, 2006

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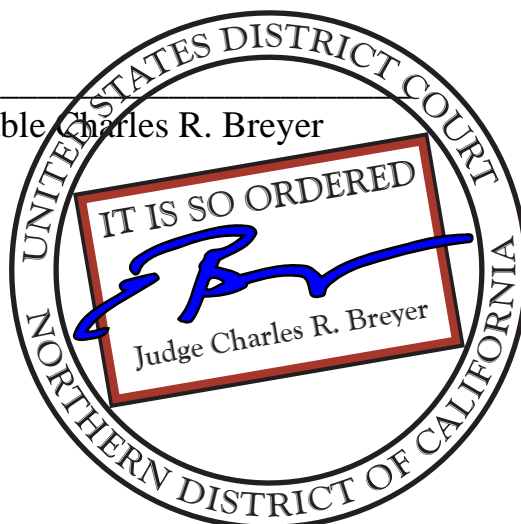
*Attorneys for Defendants AMR Corp., and
American Airlines, Inc.*

*Filer's Attestation: Pursuant to General Order No. 45, Section X(B), Shirish Gupta hereby attests
that the signatories' concurrences in the filing of this document have been obtained.*

PURSUANT TO STIPULATION,
IT IS SO ORDERED:

Dated: October 20, 2006

Honorable Charles R. Breyer



PROOF OF SERVICE

I am employed in Santa Clara County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Two Palo Alto Square, Suite 300, Palo Alto, California 94306-2112.

On October 13, 2006, I served the foregoing document(s) described as

STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME TO RESPOND TO COMPLAINT

on each interested party, as follows:

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Palo Alto, California addressed as set forth below.
- ☐ by placing the document(s) listed above in a sealed facsimile & U.S. Mail envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a facsimile & U.S. Mail agent for delivery.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

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3 Silicon Valley Office
4 201 Redwood Shores Parkway
5 Redwood Shores, California 94065

6 I declare under penalty of perjury under the laws of the United States of
7 America that the above is true and correct.

8 Executed on October 13, 2006, at Palo Alto, California.

9 /s/
10 Jessica F. Davis
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